

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the )  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

DOCKET NO. 910727-TL

In re: Investigation into )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S complaine )  
with Rule 25-4.110(2), F.A.C., )  
Rebates. )

FILED: 04/28/93

DEPOSITION OF:

THERELL D. ROBERTS

TAKEN AT THE INSTANCE OF:

The Staff of the Florida  
Public Service Commission

PLACE:

605 West Garden Street  
Pensacola, Florida 32501

TIME:

Commenced at 12:35 p.m.  
Concluded at 1:10 p.m.

DATE:

Tuesday, May 11, 1993

REPORTED BY:

Angela E. Harrell, CP,  
Registered Professional Reporter

DOCUMENT NUMBER-DATE

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APPEARANCES:

JANIS SUE RICHARDSON, Staff Counsel, 111 West Madison Street, Tallahassee, Florida 32399, Telephone No. (904) 488-9330, appearing on behalf of the Office of Public Counsel.

JEAN R. WILSON, Staff Counsel, Stan L. Greer, Engineer and Terrill Booker, Engineer, 101 East Gaines Street, Fletcher Building, Room 226, Tallahassee, Florida 32399, Telephone No. (904) 487-2740, appearing on behalf of the Florida Public Service Commission.

ROBERT G. BEATTY, Esquire, 150 West Flagler, Suite 1910, Miami, Florida 33130, Telephone No. (305) 530-5564, appearing on behalf of Southern Bell.

ROBERT R. KIMMEL, Esquire, Kimmel & Batson, 715 North Baylen Street,, Telephone No. (904) 438-7501, appearing on behalf of Therell Roberts.

I N D E X

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15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PAGE

STIPULATION	4
CERTIFICATE OF OATH	37
CERTIFICATE OF REPORTER	38

W I T N E S S

THERELL D. ROBERTS

Examination by Ms. Richardson	5
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S T I P U L A T I O N

IT IS STIPULATED that this deposition was taken pursuant to notice in accordance with the applicable Florida Rules of Civil Procedure; that objections, except as to the form of the question, are reserved until hearing in this cause; and that reading and signing was not waived.

IT IS ALSO STIPULATED that any off-the-record conversations are with the consent of the deponent.

1 WHEREUPON,

2 THERELL D. ROBERTS

3 was called as a witness and after having been first duly  
4 sworn, was deposed and testified as follows:

5  
6 EXAMINATION

7 BY MS. RICHARDSON:

8 Q Mr. Roberts, would you state your full name  
9 please and spell it for the record?

10 A Therell, T-H-E-R-E-L-L, D. Roberts,  
11 R-O-B-E-R-T-S. 8110 Whitmire.

12 Q Is that Pensacola?

13 A Pensacola.

14 Q Do you have a zip for that?

15 A Not right offhand.

16 Q Is that a company address?

17 A Yes.

18 Q Do you have a phone?

19 A 476-2741.

20 Q Are you represented by an attorney?

21 A Yes, ma'am.

22 MR. KIMMEL: Robert R. Kimmel, Kimmel &  
23 Batson, 715 North Baylen Street, Pensacola, 01.

24 MS. RICHARDSON: And phone number?

25 MR. KIMMEL: 904-438-7501.

1 BY MS. RICHARDSON:

2 Q Okay. Thank you. Mr. Roberts, have you talked  
3 to anybody about your deposition here today other than your  
4 attorney or the attorney for the company?

5 A No.

6 Q Has anyone advised you that you would not be  
7 disciplined based upon your answers here today?

8 A Yes.

9 Q And has anyone advised you about the possible  
10 criminal penalties that could apply if you perjure your  
11 testimony?

12 A I'm aware of perjury, yes, I'm aware of that.  
13 My attorney has too.

14 Q Have you given a statement to the company in the  
15 past?

16 A In regards to what?

17 Q This investigation.

18 A No.

19 Q Okay.

20 A Wait a minute. Investigation?

21 Q That the company has done.

22 A You're not talking about this right here now?

23 Q That the company has done.

24 A Yes, I did.

25 Q About a year or two ago?

- 3
- 1 A Yes.
- 2 Q Can you tell me when you did that?
- 3 A About a year ago, I guess, year and a half
- 4 maybe. I don't know.
- 5 Q Do you know who was in the room when you gave
- 6 your statement?
- 7 A There was an attorney from Southern Bell from
- 8 Miami, a lady I don't know what her name was. There was a
- 9 gentleman I think from Georgia that was security with
- 10 Southern Bell.
- 11 Q Okay. Was there any union people there?
- 12 A No, ma'am.
- 13 Q How about your supervisor?
- 14 A No, ma'am.
- 15 Q Are you in the union?
- 16 A Yes, ma'am.
- 17 Q Who is your union steward?
- 18 A Well, the union president is Mike Sakalarios.
- 19 Al Willis is my steward. That's local 3109.
- 20 Q What's your present position with the company?
- 21 A Service tech.
- 22 Q How long have you been a service tech?
- 23 A A little over twenty-one years.
- 24 Q Has all of that time been in Pensacola?
- 25 A Yes.

3 1 Q And has all of that time, twenty-one years, all  
2 of it has been service tech?

3 A I was in the coin department, but still service  
4 tech. They have changed the titles several times, but that's  
5 what it is service tech.

6 Q Other than coin what do you do?

7 A Nothing. I work on business and residential  
8 installation and repair.

9 Q Okay. And have you always done installation and  
10 repair?

11 A Yes, ma'am.

12 Q Okay. Who is your present first-level manager?

13 A Byron Nettles.

14 Q And how long has Mr. Nettles been your  
15 first-level manager?

16 A Approximately two years.

17 Q Who was it before Mr. Nettles?

18 A Ken Hodges.

19 Q How long was Mr. Hodges your first-line manager?

20 A About two or three years.

21 Q Can you remember who it was before Mr. Hodges?

22 A Wait a minute now. I had Donald Clark. Then  
23 Ken Hodges. It was Nettles, Clark, then Hodges.

24 Q All right. And Mr. Clark was about what frame  
25 of time?



3  
1 A I've been working for Nettles about two years.  
2 I worked for Clark a year and a half or so. Then I worked  
3 for Mr. Hodges before that.

4 Q So Mr. Hodges would have been maybe mid-80's?

5 A Right.

6 Q Somewhere in there. Then Mr. Clark would have  
7 been late 80's, early 90's?

8 A Yes, ma'am.

9 Q Do you remember who it was in the early 80's,  
10 your first level was from about 1980 to whenever Mr. Hodges  
11 took over?

12 A Hubert, H-U-B-E-R-T, Paulk, P-A-U-L-K. He's  
13 since retired.

14 Q He was the only one then between early '80 and  
15 Mr. Hodges?

16 A Right.

17 Q Can you do the same thing for me with your  
18 second levels? Who do you have right now?

19 A At the present time it's -- I can't even think  
20 of his name now. Wait a minute. Fred Hunter.

21 Q How long has he been it?

22 A I guess he's been a couple of years, three years  
23 maybe.

24 Q All right. Who was it before Mr. Hunter?

25 A Harry Brown.

3 1 Q Mr. Brown would have been one, two, three years  
2 or something like that?

3 A Yes. He was mine for five or six years.

4 Q Who was it before Mr. Brown?

5 A Charlie Nell. That was back in the 70's.

6 Q I didn't catch the last name?

7 A Nell.

8 Q Can you spell that?

9 A N-E-L-L.

10 Q Just like it sounds. Okay. And how long was  
11 Mr. Nell?

12 A From '72 until early 80's. Around '80,  
13 somewhere around there.

14 Q And do you know who your operation manager is  
15 right now?

16 A Yeah, John St. Amant.

17 Q Do you know who it was before Mr. St. Amant?

18 A Yeah. Mr. Mann, Bruce Mann.

19 Q Bruce Mann. And do you know who it was before  
20 Mr. Mann?

21 A Earl "The Pearl" Poucher.

22 Q I think what I'm going to do is just to show you  
23 a document, Mr. Roberts, to start off here. I guess before I  
24 do that I'll ask, as a service technician is part of your  
25 responsibility to handle trouble reports?

3  
1 A Yes.

2 Q It is?

3 A Uh-huh (affirmative).

4 Q And you said residence and business, I believe?

5 A Yes, ma'am.

6 Q When you handle trouble reports, do they come to  
7 you already out of service, statused out of service or  
8 affecting service?

9 A Yes.

10 Q Do you ever have occasion to change that status?

11 A No.

12 Q Can you change that status?

13 A No, not that I know of.

14 Q Do you work with a CAT terminal?

15 A Uh-huh (affirmative).

16 Q She can't hear a nod.

17 A I'm sorry. Yes.

18 Q And when you work with a CAT terminal, do you  
19 have the ability to close it out yourself then?

20 A Yes.

21 Q That works that way. Before you had the CATS  
22 did you have to call in to an MA to get a clear close?

23 A Yes.

24 Q And when you called in, what kind of information  
25 did you give the MA so she could clear to closing?

1           A           Status as trouble what time clearing time was,  
2 was it out of service or not out of service. Status of what  
3 you did, as far as if it was affective problem or whatever  
4 you replaced, whatever you did to remedy the trouble.

5           Q           Okay. Did you give her when you said it was  
6 stasured out of service, would that be like service-affecting  
7 reports you got like noise or something when you got out  
8 there?

9           A           No. I'm talking about no dial tone.

10          Q           So you would occasionally get -- I don't know is  
11 it service affecting or affecting service?

12          A           Service affecting.

13          Q           You would occasionally get service-affecting  
14 reports and you would get out to the actual house and find  
15 out they didn't have any dial tone. You've had those kind of  
16 cases?

17          A           Oh, yeah.

18          Q           When you called those in, you told the MA to  
19 change that status to out of service?

20          A           No. Ask that question again now.

21          Q           So when you found out that that service-  
22 affecting report was really out of service, would you tell  
23 the MA that it was really out of service and to change it?

24          A           If it was out of service, yeah, right.

25          Q           Okay. Do you know whether she would change the

4 1 status?

2 A I don't have any idea. I don't know.

3 Q Would she ever question you about why did you  
4 find it out of service?

5 A No.

6 Q With the CAT can you do that yourself now? Can  
7 you change that status to out of service?

8 A Not that I know of.

9 Q What do you do now then when you get a report  
10 like that, that was maybe a service affecting to begin with  
11 and you found that the line is dead and you need to change  
12 the status? How do you do that now?

13 A I close out the trouble, what time I closed it  
14 out, the trouble report. If I cleared the trouble report,  
15 that's the time I give, what time the trouble is cleared.  
16 Then I state what was wrong, whether it be drop or station  
17 wire set, whatever the trouble may be that's exactly what I  
18 put in there.

19 Q Okay. But I'm trying to get back to this out of  
20 service status. You found that it should be out of service,  
21 but you got a CAT terminal. I believe you told me you can't  
22 close it out of service on the CAT?

23 A I don't think so, no.

24 Q So how does it get statused out of service then  
25 if it should be, if it's supposed to be out of service?

4  
1 A All I know is that when they call it in and they  
2 status it out of service or not out of service, when the call  
3 trouble came in. Whoever does that is the one that statuses  
4 it that way.

5 Q You mean the customer calls in?

6 A Right. Now as far as me doing that, no.

7 Q All right. Well, you did it before when you  
8 found out?

9 A When you called in. But on the CAT, I don't  
10 recollect it being that way on the CAT. It just tells you, I  
11 don't remember ever saying out of service on there. I don't  
12 remember now. I don't think it does.

13 Q Well, I don't know. Okay. Are you aware of the  
14 requirement that the company clear out-of-service reports  
15 within twenty-four hours at least ninety-five percent of the  
16 time?

17 A No, I know we have to close -- I mean we got a  
18 twenty-four hour commitment, yeah, but I don't know anything  
19 about percentages.

20 Q Are you aware that a customer is due a rebate if  
21 their phone is out of service longer than twenty-four hours?

22 A Yes.

23 Q How long have you known that?

24 A Several years. Two, three years.

25 Q How long have you been aware of closing the

1 twenty-four hour commitment time for the company?

2 A Several years. And the customer is the one that  
3 brought it up to me. It wasn't the company. It was a  
4 customer because they were hot. I want my money back.

5 Q Okay. When did that happen?

6 A It happened probably three years ago.

7 Q About three years. Okay. As best you can on  
8 this next question, can you give me any idea how frequently  
9 you would get a service-affecting report that you would end  
10 up finding a real out of service condition on it that you  
11 needed to change to out of service before you closed it out?

12 A Are you talking about percentage wise how many  
13 troubles I go on? Not many. Usually if they're statused out  
14 of service, they're out of service. Now, when I mean out of  
15 service, when you walk up to that place, it does not have any  
16 dial tone or if it's so noisy they cannot use it, that's out  
17 of service trouble. That's exactly the way I report it. If  
18 it's not out of service when I get there, then I don't status  
19 out of service because it wasn't out of service when I was  
20 there.

21 Q Okay. Can you give me any feel for about how  
22 many of those come through service affecting that you find  
23 out of service condition on that you need to change?

24 A Well, I don't change any of them. I mean when  
25 you call it in, I don't call in any.

5 1 Q Before the CAT?

2 A Before then. I don't really know. Not many.  
3 When they're out of service, they're out of service.

4 Q You didn't get very many of those at all?

5 A No.

6 Q I'm going to show you a document that's called  
7 Citizens' Third Set of Interrogatories. It's dated June 6th,  
8 1991. This is item number one of that. An interrogatory is  
9 a written question that I mail to the company and the company  
10 mails me a written answer.

11 Basically we asked the company to tell us which  
12 employees had knowledge about falsifying completion times on  
13 repair reports and the company gave us a bunch of names.  
14 They said these people may have some knowledge about backing  
15 up clearing times. It's paper clipped and folded under like  
16 this because the company claims  
17 confidential.

18  
19  
20  
21 but we'll go off the record. If you want to talk to your  
22 attorney about it, that's fine. Then when you're ready,  
23 we'll go back on the record.

24 (An off the record discussion was held.)

25



5  
1 BY MS. RICHARDSON:

2 Q

3 page?

4 A Yes, ma'am.

5 Q

6  
7 A None.

8 Q

9 that page?

10 MR. BEATTY: Objection. Calls for speculation

11 on the part of this witness.

12 BY MS. RICHARDSON:

13 Q You can still answer if you can.

14 A I don't know anything about backing up times. I  
15 never backed up times if that's what you're asking me.

16 Q

17 MR. BEATTY: It was to that question I objected.

18 My objection was that question causes the witness to  
19 have to speculate as to why the drafter of that

20  
21 BY MS. RICHARDSON:

22 Q But you can still answer, if you can.

23 MR. BEATTY: If you can.

24 A I don't have anything to say. I don't know  
25 anything about it.

5 1 Q Do you have any information about individuals  
2 backing up the clearing times on a report just to meet that  
3 twenty-four hour commitment?

4 A None.

5 Q Have you heard the phrase backing up the time?

6 A Yes.

7 Q Okay. What does that mean to you?

8 A Well, I report close out time. If due date time  
9 is twelve o'clock and you close it out and you don't actually  
10 clear the trouble at twelve o'clock, you close it out. Then  
11 that's backing up time. If you close it up at 11:45 and you  
12 actually didn't clear the trouble until 12:15, that's an  
13 example.

14 Q Have you ever heard of that being done?

15 A No.

16 Q Have you ever received an instruction from a  
17 manager telling you to back up a clearing time to meet a  
18 twenty-four hour commitment?

19 A No.

20 Q Have you ever had a manager when you were  
21 calling to an MA -- let me rephrase this. At the point in  
22 time before you had the CAT terminal --

23 A Yes, ma'am.

24 Q Okay. And you were calling MA's to clear and  
25 close reports.

5 1 A Uh-huh (affirmative).

2 Q Did you ever deal with out-of-service reports  
3 that were about to go out over twenty-four, they had been out  
4 that long?

5 A Oh, yes.

6 Q On those reports that were at the twenty-four  
7 hour or just over and you called the MA, has the MA ever  
8 said, Mr. Roberts, I'm going to have to check with my manager  
9 before we can finish this and have her get up, go talk to her  
10 manager?

11 A Yes.

12 Q Was that a frequent occurrence on those type of  
13 out-of-service reports, for twenty-four hour time?

14 A Not frequently.

15 Q That was in Pensacola?

16 A Yes.

17 Q Do you know which managers were involved?

18 A The managers over the MA's that were upstairs.

19 Q Yeah. Do you know who they were?

20 A I'm trying to think now. Not right offhand not  
21 the names. I don't remember exactly who they were at the  
22 time, no.

23 Q Was this throughout the entire period of the  
24 80's and maybe 1990 or was there just a period --

25 A It was like -- well, it was in about the

5 1 mid-80's.

2 Q For a couple of years?

3 A Right.

4 Q Do you know any MA's that you talked to that did  
5 this, said, well, I'm going to have to talk to my manager  
6 before we finish?

7 A Not right offhand. I know it was going on.  
8 They did do that. The only thing ever said was to make sure  
9 that the time wasn't going over.

10 Now, the only thing anybody ever said was just  
11 to be aware of the time, which is good business, you know.  
12 It is easy to get caught up in it and nobody ever told me  
13 ever to back the time up. They always made me aware of what  
14 the time was; where now we're really aware of it now because  
15 we have it in front of us.

16 Q On the CAT terminal?

17 A Right. Before it was word of mouth. A lot of  
18 times you didn't write it down. You're going so fast. No  
19 one ever said anything. They wanted to make you aware of  
20 what time the time was and make you aware of that time and  
21 that's it. That's the only thing ever said.

22 Q All right. Do you know why the managers, why  
23 the MA's would have to talk to the manager before closing  
24 that out?

25 A No, ma'am.

6  
1 MR. BEATTY: Objection. Although he already  
2 answered the question. It calls for speculation.

3 BY MS. RICHARDSON:

4 Q Do you know what a disposition and a cause code  
5 is?

6 A Yes.

7 Q Could you briefly give me a definition or  
8 description of a disposition code?

9 A Disposition code is the actual thing, the  
10 trouble, like if it's a drop station wire or a jack or a set.

11 Q Inside wire?

12 A Inside wire, right.

13 Q What's a cause code?

14 A Cause code is what actually caused it whether it  
15 be weather, lightning, wind defective.

16 Q Okay. Is there maybe a cause code for customer  
17 action, customer damages their own line?

18 A Yes.

19 Q Do you know if there are any disposition or  
20 cause codes that might take a report or keep an out of  
21 service from counting against the company on that twenty-four  
22 hours?

23 A No, I don't.

24 Q You don't know that?

25 A No.

6 1 Q What about lightning? Do you know if lightning  
2 is going to count as a miss of the company?

3 That's a no?

4 A That's a no. Yeah. Now, I am aware when they  
5 do have lightning storms, they want to make sure you close it  
6 out due to weather or whatever, but that's on anything.

7 Q How do they make sure that you do that? Do they  
8 contact you or some special emphasis?

9 A Make sure you close it out to whatever the cause  
10 code is, lightning or weather to make sure that it's being  
11 closed out that way.

12 Q Okay. When you were dealing with these out of  
13 service over twenty-four hour reports and you called the MA,  
14 she said I'm going to have to check with my manager. Under  
15 those situations did she ever come back and say, well, try to  
16 change the charge code or disposition code?

17 A Never.

18 Q Did you ever see one of the reports you  
19 completed later and found a different time or different  
20 disposition or cause code were put in?

21 A No.

22 Q Has a manager ever brought reports that you've  
23 worked on and questioned you why they have gone over  
24 twenty-four hours?

25 A No.

6 1 Q Mr. Roberts, I'm going to show you one other  
2 document, and this one is Southern Bell's response to  
3 preliminary order PSC-93-0263-PCO-TL entered on February  
4 19th, 1993 and it was filed by the company on April 1st, 1993  
5 in the consolidated rate case docket. On line 497 out of  
6 these 650 names there's Therell D. Roberts.

7 First of all, have you seen this document?

8 A Yes, I have.

9 Q Is that you?

10 A Yes, ma'am, that is me.

11 Q And when you've looked at this, did you have an  
12 opportunity to read paragraph two?

13 A Yes, I did.

14 Q By your name appears a series of numbers. And  
15 one of those numbers is number seventeen and I believe number  
16 seventeen says something about intimidation or pressure. I  
17 would like to know what information you might have about  
18 that.

19 A I've never been intimidated or pressured about  
20 anything at this company.

21 Q Do you know anyone, any other employees who has  
22 complained that they have been intimidated or pressured by  
23 management that they didn't do something they feel is right?

24 A No.

25 Q Did you ever hear of anyone filing a grievance

6 1 because management was asking them to do something with  
2 trouble reports they didn't feel was right?

3 A No.

4 Q Do you know of anyone who has been disciplined  
5 by a manager?

6 A No.

7 Q Have you ever been disciplined yourself?

8 A Never.

9 Q Have you yourself ever filed a grievance?

10 A Yes.

11 Q Was the nature of your grievance anything to do  
12 with your work in regards to repairing telephones?

13 A No.

14 Q Number twenty-seven indicates that you might  
15 have some information about supervisor's involvement in  
16 closing troubles. I'm wondering what information you might  
17 have.

18 MR. BEATTY: Objection. Asked and answered. He  
19 already testified to that.

20 THE WITNESS: I agree with what he just said.

21 BY MS. RICHARDSON:

22 Q So other than what you've said about the MA's  
23 talking to their managers before closing?

24 A That's absolutely right.

25 Q That's the only information?



6 1 A Right.

2 Q Okay. Do you know what a no access is?

3 A Yes.

4 Q Can you briefly define that?

7 5 A That's when you go out to the house, the  
6 customer is not there and I close all mine out to no access.  
7 If I can't get actual access to the customer or access to the  
8 house. Now, we do call the contact number. If the customer  
9 says we don't have any trouble or bad set, but it's okay now,  
10 then we close it out to whatever it might be. If you can't  
11 get inside, that's no access.

12 Q You let the customer know you were there?

13 A By a tag or contact him. We leave a tag on the  
14 door.

15 Q Do you know if that no access code stops that  
16 twenty-four hour repair clock?

17 A No, I don't know.

18 Q You don't?

19 A First time I ever heard of that.

20 Q Do you know of anybody who has no accessed a  
21 report that wasn't dispatched?

22 A No.

23 Q Do you know of anybody who has taken a batch of  
24 out-of-service reports, just no accessed them?

25 A No.

- 7
- 1 Q Do you know what a test-OK is?
- 2 A Yes.
- 3 Q Briefly tell me what a test-OK is.
- 4 A That's when you have the MA test it test-OK.  
5 That's the office equipment testing it.
- 6 Q The inside people?
- 7 A Right.
- 8 Q Do you know if it's proper or improper to take a  
9 test-OK and close it out as out of service?
- 10 A I don't understand the question.
- 11 Q All right. If you have a test-OK report, I  
12 assume that person has service; isn't that right?
- 13 A Uh-huh (affirmative).
- 14 Q If it's test-OK. Do you know of anyone who has  
15 taken a group of test-OK reports and restated them as out  
16 of service on close out?
- 17 A No.
- 18 Q Do you know what the CON or C-O-N, carried-over  
19 no code is?
- 20 A Never heard of it.
- 21 Q Never heard of it. Do you know of anybody who  
22 has used someone else's employee code?
- 23 A No.
- 24 Q Have you ever heard of that being done?
- 25 A No.

1 Q Has anybody ever used your employee code?

2 A No, better not.

3 Q Well, is it possible to do it now?

4 A Not that I know of.

5 Q In the past did you know, I mean just know,  
6 whether you used them or not, were you aware of other  
7 employees' codes?

8 A Yeah.

9 Q You knew them, you just didn't use them?

10 A Right. It's like your Social Security number  
11 and the service employee code for ST.

12 Q Do you know other people's codes now today?

13 A Sure. You're talking about employee numbers;  
14 correct?

15 Q The numbers that you would use.

16 A

17 Q To access your CAT?

18 A Yeah. I'm

19 MR. BEATTY: I'm not at all sure the witness is  
20 really responding to the question that you asked.

21 BY MS. RICHARDSON:

22 Q Let me see if I can straighten it out. Have  
23 employee codes changed recently in the last year or two?

24 A You're going to have to explain what you mean by  
25 employee code. Are you talking about my employee number?

7 1 Q That you use for statusing reports, the number  
2 that you would put into your CAT?

3 A Yes. That's employee

4 Q Okay. Now, in terms of your employee number,  
5 have those numbers changed in the last few years?

6 A No.

7 Q With the change in system?

8 A No.

9 Q Are you aware of the ANS security code system  
10 for employee numbers?

11 A I don't know. I guess not.

12 Q You never heard of that?

13 MS. WILSON: Is the employee code, the number  
14 you entered into the CAT or is it the employee number?

15 THE WITNESS: Okay. Each CAT has a specific  
16 number. You are programmed in. I can't use 205 for

17 He can't use mine unless I actually got his CAT  
18 in my hand. Then I could close it out, but just  
19 because I know his employee code number, no, I cannot.

20 BY MS. RICHARDSON:

21 Q Can you use his number at all in your machine?

22 A No.

23 Q Now, before you had the CAT machines, could you  
24 use each other's numbers?

25 A I guess we could.

7  
1 Q But you don't know of anybody who did that?

2 A No, ma'am.

3 Q Do you know of anyone who has taken an  
4 out-of-service report that's about to go out over twenty-four  
5 hours, close it, and then reopen it as an employee report in  
6 order to clear and close it?

7 A No.

8 Q Do you know of anyone who has generated employee  
9 reports just to create the task per day requirement for  
10 himself?

11 A Yes.

12 Q Okay. Who is this?

13 A Me.

14 Q You?

15 A Okay.

16 Q And under what conditions did you do this?

17 A Well, a specific case is Tarragon Court we had  
18 six different units. This is a housing project. We have one  
19 old six pair coming to the building.

20 Q Is that a lead sheet carrier?

21 A No. It's an aerial shop coming from the service  
22 terminating pole to the building itself. When we had to cut  
23 those down and replace all of them for each specific  
24 individual unit, then, yes, I did get the employee report  
25 because I was working on each individual unit. But that's

1 the only case.

2 Q Do you know of anyone who has created a  
3 fictitious employee originated report?

4 A No, ma'am.

5 Q You've done installation also; correct?

6 A Oh, yes.

7 Q Is that installing new service?

8 A Yes.

9 Q And when you do that, do you have an appointment  
10 time that you have to meet?

11 A Only if it's a.m. or p.m. appointment.

12 Q And if you're not going to be able to make the  
13 appointment time, is there some kind of requirement or  
14 something you're supposed to do with customers?

15 A We're supposed to contact the customer, make  
16 them aware we're not able to make the commitment on service  
17 orders.

18 Q Are you aware of a 222 code?

19 A Yes.

20 Q Have you ever used one?

21 A No, not myself.

22 Q Not yourself. Okay. And what is the 222 code  
23 supposed to be used for?

24 A For when you cannot meet the commitments you  
25 contact them and make up another appointment. I think that's

1 what it is.

2 Q Do you know of anyone who has recorded a 222  
3 code without ever contacting the customer?

4 A No.

5 Q Do you know of anyone who has missed the  
6 commitment but shown it as met on the reports?

7 A No.

8 Q Do you know how to exclude a report?

9 A We have to call. We can't actually do it  
10 ourselves. We have to call live and do it.

11 Q What kind of reports do you get to exclude?

12 A The only one I can recollect would be when an  
13 employee calls in and actually reports the number as being  
14 this number and that's not actually what the report was. It  
15 was a burglar alarm instead of that number.

16 Q So they gave the wrong number?

17 A Right. Especially business where they report  
18 the main number. That's not actually the number that's  
19 really in trouble. Okay. So what we do then is exclude that  
20 and then make up another report on what's really in trouble  
21 where we can fix that trouble.

22 Q All right. Now, does that second report, that  
23 new report come to you to work on?

24 A Yes.

25 Q When you get that new report, have you ever seen

1 that the new report had a different receipt time or date from  
2 the original?

3 A No. Not that I recollect, no.

4 Q You don't know about that?

5 A No.

6 Q Do you know about a back dated code?

7 A No.

8 Q Have you or do you know of anyone who excluded  
9 out-of-service reports?

10 A No.

11 Q Other than not the kind you told me about but  
12 any other kind?

13 A No, ma'am.

14 Q Have you ever heard of that being done?

15 A No, ma'am.

16 Q Have you ever heard of hiding the report?

17 A No.

18 Q Do you know of anyone who has created fictitious  
19 trouble reports?

20 A No.

21 Q Do you know of anyone who has put false  
22 information on a trouble report?

23 A No.

24 Q Have you ever heard the phrase building the  
25 base?



8  
1 A No.

2 Q Mr. Roberts, have you ever been asked to help  
3 sell products or services for the company?

4 A Yes.

5 Q When was this?

6 A Well, just about the whole career.

7 Q Okay. Were you ever involved in a promotional  
8 campaign of any type?

9 A Yes.

10 Q When was that?

11 A In the 70's, 80's I mean.

12 Q Did you happen to win anything or get any  
13 points?

14 A Yeah.

15 Q What did you get?

16 A Basketball, soccerball for the kids, things like  
17 that, small stuff.

18 Q Okay. When you were doing sales, was this also  
19 part of being a service tech? You were doing service tech  
20 work and then selling on the side?

21 A No. That wasn't selling on the side. It was  
22 part of my job.

23 Q Part of your job?

24 A Correct.

25 Q So you would go out to repair a report, then you

1 would also try to sell something?

2 A Sell services, yes.

3 Q What kinds did you sell? What did you sell the  
4 most of?

5 A Maintenance contracts.

6 Q Is that the wire maintenance for inside wire?

7 A Both.

8 Q Is there more than one maintenance plan?

9 A There was. It's all under one now.

10 Q Okay. In other words a TIP plan?

11 A Uh-huh (affirmative).

12 Q And SEQ 1-X?

13 A No. SEQ 1-X groups both of them together, with  
14 MR and TIP.

15 Q Do you know anybody who sold the TIP and the MR  
16 and the SEQ 1-X plan altogether?

17 A No. I don't see how you could do that.

18 Q Do you know any customer that's gotten billed  
19 for all three?

20 A No.

21 Q Do you know any customers that got billed for  
22 the SEQ 1-X and either of the other two?

23 A No.

24 Q When you were selling, did you get any training  
25 on sales techniques?

8 1 A No. Well, years ago when we were selling sets  
2 and stuff, we had people who sold lots say this is how I do  
3 it. No professional training or anything like that.

9 4 Q Okay. Do you have a sort of recording sheet  
5 where you keep track of your time that you spend working on  
6 stuff?

7 A MTR.

8 Q Do you keep track of the work you do on inside  
9 wire in a different way than you do on other types?

10 A Yes.

11 Q Is that detariffed and tariffed numbers?

12 A Right.

13 Q Do you have that same set of numbers when you  
14 were doing sales, one for sales?

15 A No.

16 Q Okay.

17 A It was all in the same base. I mean that's what  
18 I was doing. It was on the codes itself, whatever those may  
19 be. If I sold an extension or something, then it went on or  
20 a jack or whatever, it goes on that code when you put it in.

21 Q Detariffed codes because you were inside the  
22 house?

23 A Correct.

24 Q Do you know of anybody using the inside wire  
25 codes when they didn't apply?

9  
1 A No, ma'am.

2 MS. RICHARDSON: Okay. Mr. Roberts, I think  
3 I've run out of questions. I think I have. Before you  
4 leave I may come up with one more. Right now I will  
5 say thank you. I appreciate your time. The commission  
6 people may have one or two before you go.

7 MR. KIMMEL: Could I clarify something?  
8 It's probably a clerical error. The document you  
9 referred to earlier.

10 MS. RICHARDSON: Citizens' interrogatories?

11 MR. KIMMEL: Is that the correct middle initial  
12 for you?

13 THE WITNESS: It's "D", not "O".

14 MR. KIMMEL: I think it was correct on the other  
15 list that had all the others. That's all.

16 MS. WILSON: I have no questions.

17 (Whereupon, the deposition was concluded.)  
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CERTIFICATE OF OATH

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA )

I, Angela E. Harrell, hereby certify that  
THERELL D. ROBERTS, personally appeared before me and was  
duly sworn.

WITNESS my hand and official seal this 24th day  
of May, 1993.



Angela E. Harrell  
Notary Public, State of Florida  
My Commission No. AA753128  
Expires: 3/20/94

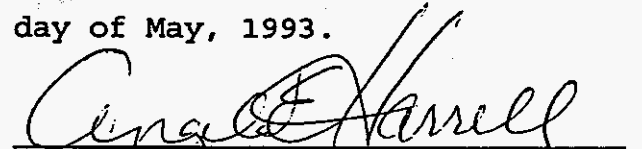
REPORTERS DEPOSITION CERTIFICATE WITH ACKNOWLEDGMENT

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA )

I, Angela E. Harrell, CP, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in this action.

Dated this 24th day of May, 1993.

  
\_\_\_\_\_  
Angela E. Harrell, CP  
Registered Professional Reporter

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA )

The foregoing certificate was acknowledged before me this 24th day of May, 1993, by Angela E. Harrell who is personally known to me.

  
\_\_\_\_\_



PATRICK BAGGETT  
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